Entered - 03/05/99 - sb CL99L0131 - DIANNE C. MITCHELL

CLAIM OF:

**ALLAN WALLER** 

3800 Ivey Road, NE Atlanta, Georgia 30342 **00-** *R* **-1523** 

For damages alleged to have been sustained as a result of property damage due to sewer back ups occurring on February 11, 1999 and March 27, 1999 at 3800 Ivey Road, NE.

THIS ADVERSED REPORT IS APPROVED

BY: KONLING KUBENS YCLURU

ROSALIND RUBENS NEWELL DEPUTY CITY ATTORNEY

Public Sufety Clada Handon. Marchael Sal OCT 2 2000

Dem M. Ofarm
COUNCIL PRESIDENT PROTEM

OCT 0 2 2000

RINGIPAL CLERK

**CONSENT AGENDA** 



RHONDA DAUPHIN JOHNSON, CMC MUNICIPAL CLERK

October 9, 2000

55 TRINITY AVENUE, S.W. SECOND FLOOR, EAST SUITE 2700 ATLANTA, GEORGIA 30335 (404) 330-6033 FAX (404) 658-6103

Allan Waller 3800 Ivey Rd., NE Atlanta, GA 30342

00-R-1523

Dear Mr. Waller:

I sincerely regret that you have been adversely affected by the circumstances raised in your claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your claim at its regular meeting on October 02, 2000. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the City Attorney's Office/Claims Division at (404) 330-6400.

Sincerely

Rhonda Dauphin Johnson, CMC

Municipal Clerk

cc: Claims Division/Law Department

## **DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY**

Claim No. 99L0131	Date: September 8, 2000
Claimant /VictimALLAN WALLER	
BY: (Atty.) (Ins. Co.)	
Address: 3800 Ivey Road, N	E, Atlanta, Georgia 30342 ge \$not stated Bodily Injury \$
Subrogation: Claim for Property dama	ge \$ not stated Bodily Injury \$
Date of Notice: 03/04/99 Metho	od: Written, proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5	X Ante Litem (6 Mo.) X
Date of Occurrence 02/11/99 & 03/27/99	Place: 3800 Ivey Road, NE
Department Public Works	X Ante Litem (6 Mo.) X  Place: 3800 Ivey Road, NE  Division: Sewer Operations
Employee involved	Disciplinary Action:
NATURE OF CLAIM: The claimant alleges he above dates. The claimant has filed a lawsuit to	e incurred property damage due to sewer back ups occurring on the resolve the issues raised in his claim.
INVESTIGATION:	
Pictures Diagrams Reports Traffic citations issued: City Driver	Others Written Oral X  Police Dept Report X Other  Claimant Driver  Claimant Driver
BASIS OF RECOMMENDATION:	
Function: Covernmental Y	Ministerial
Improper Notice More than Six More	Ministerial Other X Damages reasonable
City not involved	er rejected Compromise settlement
Renair/replacement by Ins. Co.	Repair/replacement by City Forces
Claimant Negligent City Negliger	ntJointClaim Abandoned
	Respectfully submitted,
	Muse Mindle C MITCHELL
	/ INVESTIGATOR - DIANNE C. MITCHELL
RECOMMENDATION:	
$\langle \times \rangle // n$	
Pay \$ Adverse X	Account charged: 1A01 2J01 2H01 2H01
Claims Manager: ///	Concur/date 29-03 00
Committee Action:	Council Action

FORM 23-61

- Miteliee 04/16/99

## COUNCIL OF THE CITY OF ATLANTA MUNICIPAL CLERK

City Hall 55 Trinity Avenue, S.W. Atlanta, Georgia 30335

## **RE: CLAIM FOR DAMAGES**

Today's Date: 4/12/99

Atianta, Georgia	30335		ng P		
Dear Municipal	Clerk:				
			damages in the amount ontend the City is liable.	sum of \$	property
1. Date of inciden	t <u>3/27/99</u> (month/day		e of Incident: 11:55AM	3. Police called: _	Yes No
4. Location of incid	dent (including street ad	ldress): <u>3800 Iv</u>	y Rd. NT, Atlant	a, GA 30342	
5. Name of your in	nsurance company: _Ci	ncinnati In	s. Co.	Policy No. HR	8689180
n. State what and	how incident occurred:	On 3/27 we	suffered another	raw sewage b	ackup.
Thire ever	have made	our home in	labitable.		
			TO INSPECTION. THE MINIOR THE MIN		
			rehicle damages, comple ehicle (copy of the currer		
Your vehicle: _	(Make)	(Year)	(Tag Number)	(Driver's	Name)
City vehicle:					
	(Make)	(City Driv	er's Name)	(Department/B	ureau)
9 Witness:	(Name)		(Address)	(Telephone Nu	mber)
			es the Sovereign immuni If of the City of Atlanta a		
11. This claim sh	ould be mailed imm	ediately to the add	ress shown above.		
THEREBY SWEAR OR AFFIRM THAT THE ABOVE INFORMATION IS TRUE AND CORRECT.			ALLAN WALI Print Clamaint's Nat		
Alla	Mille		3800 Iv	Rd. NE	
Signature of	- laimant		_	Address	<del></del>
			Atlanta,		
				(City State and Zip	
			(Work N	mber) 404 237	7 5770 Home Number)
			TYYOUNG	HUCI)	TRUTTLE LAUTIDEL)

# COUNCIL OF THE CITY OF ATLANTA MUNICIPAL CLERK

## RE: CLAIM FOR DAMAGES

Mitchell 03/04/99

COUNCIL OF THE CITY OF ATLANTA	Today's Date:	
MUNICIPAL CLERK	(Cay 5 ode.	Ch.
Tity Hall		
55 Trinity, Avenue, S.W. Atlanta, Georgia 30335		
Atlanta, Georgia (1930)	ENTERED - 3-5-99 - SB	
Municipal Clerk:	ENTERED - 3-5-99 - SB 99L0131 - DIANNE MITCHELL i have suffered damages in the amount sum of \$ ury for which I contend the City is liable.	
Light Mullicipus Co	if and damages in the amount sum of \$_	property
This is to notify the City of Atlanta that and/or \$bodily inju	i have suffered damages City is liable.	
and for \$ bodily inju	ary for which I contain and any	X
300,00	2. Time of Incident: 11:35 AM 3. Police	e called:
1 Date of incident: 2/11/99	. , 0.00	Les
(month, day. ye	ear)	20342
	ear) 3800 Ivy Rd. NE, Atlanta, GA Police Police	
4. Lucation of incident (including street additi	Police	No UP 8689180
_ •	tre Co.	
5 Name of vour insurance company.	ewer backed up on ground floor	Sewer Department
	error backed up on your	
6 State what and now transcent	in line l	out main line had
around 1PM tr	ied to stop flow on main line b	
arrived around	- house connection	causing flow to
backed up. Caused it t	to surge up my house connection	•
Dackey GP,	This began around 11:30AM an	d was stopped
some into the commode	. This began around 11	THE COLUMN
around 1:25PM.	THE MAKING	OF FALSE CLAIMS WILL
2 7 0 11 10 1 1 4 J 1 1 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2	E ADE SUNIECTION OF THE PROPERTY OF THE PROPER	ECITION!
- ALL ESTIMATES AND DAMAGE	THE AND MAY RESULT IN CRIMINAL PROS	ECC.110.
- ALL ESTIMATES AND DAMAGE RESULT IN YOUR CLAIM BEING	S ARE SUBJECT TO INSPECTION. THE MAKING OF THE MAKING OF THE BOOK OF THE MAKING OF THE	Jecurio
RESULT IN YOUR CLAIM DEATH	-labor that fr	slowing and attach two (2)
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8. The registered owner must mak estimates of repair and proof of ov	te the claim for vehicle damages, complete the for vnership of your vehicle (copy of the current tag rece	ollowing and attach two (2) apt or title).
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RESULT IN YOUR CLAIM Date.  8. The registered owner must make estimates of repair and proof of overwhich:  (Make)  (Make)	(Year) (Tag Number)  (City Driver's Name) (Address)	ollowing and attach two (2) inpt or title).  (Driver's Name) epartment/Bureau) elephone Number)
8. The registered owner most make estimates of repair and proof of overwhicks (Make)  (invehicle (Make)	(Year) (Tag Number)  (City Driver's Name) (Address)	ollowing and attach two (2) inpt or title).  (Driver's Name) epartment/Bureau) elephone Number)
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8. The registered owner most make estimates of repair and proof of overwhicks (Make)  (invehicle (Make)  (Make)  (Name)  (Name)  (I This daim should be mailed imposed to the classification of the cl	(Year) (Tag Number)  (City Driver's Name) (December on way waives the Sovereign immunity of the of liability on behalf of the City of Atlanta and/or immediately to the address shown above.	ollowing and attach two (2) inpt or title).  (Driver's Name)  epartment/Bureau)  elephone Number)  City of Atlanta, as granted by its employee(s).
8. The registered owner most make estimates of repair and proof of every household.  (Make)	(Year) (Tag Number)  (City Driver's Name) (December on the district of the City of Atlanta and for incidently to the address shown above.  (HAT THE ABOVE Prints of Pr	elephone Number)  City of Atlanta, as granted by employee(s).
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RCS# 2255 10/02/00 1:44 PM

#### Atlanta City Council

Regular Session

CONSENT

Pages 1-17

RECONSIDER

YEAS: 13 SEE ATTACHED LISTING OF ITEMS ADOPTED/ADVERSED

00-R-1574

NOT VOTING: 1 ON CONSENT AGENDA

EXCUSED: 0 ABSENT 2

Y McCarty B Dorsey Y Moore Y Thomas ITEM (S) REMOVED FROM Y Alexander CONSENT AGENDA Y Starnes Y Woolard B Martin Y Morris Y Maddox Y Bond 00-O-1390 Y Boazman NV Pitts Y Muller Y Winslow 00-O-1567 00-R-1480 00-R-1571

RCS# 2286 10/02/00 4:58 PM

### Atlanta City Council

Regular Session

CONSENT

Pages 1-17

#### RECONSIDERATION

YEAS: 13
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 1
EXCUSED: 0
ABSENT 2

SEE ATTACHED LISTING OF
ITEMS ADOPTED/ADVERSED
ON CONSENT AGENDA

Y Thomas Y Moore B Dorsey Y McCarty B Dorsey Y Moore
Y Woolard B Martin ITEM (S) REMOVED FROM Y Emmons Y Starnes Y Alexander **CONSENT AGENDA** Y Morris Y Muller Y Maddox Y Bond Y Boazman NV Pitts 00-O-1390 Y Winslow 00-O-1567 00-R-1480 00-R-1571 00-R-1574

		10/02/00 Council Meeting
ITEMS ADOPTED	ITEMS ADOPTED	ITEMS ADVERSED
ON CONSENT	ON CONSENT	ON CONSENT
AGENDA	AGENDA	AGENDA .
1. 00-O-1393	37. 00-R-1470	50. 00-R-1504
2. 00-O-0758	38. 00-R-1471	51. 00-R-1505
3. 00-O-1341	39. 00-R-1472	52. 00-R-1506
4. 00-O-1453	40. 00-R-1476	53. 00-R-1507
5. 00-O-1326	41. 00-R-1477	54. 00-R-1508
6. 00-O-1327	42. 00-R-1481	55. 00-R-1509
7. 00-0-1328	43. 00-R-1497	56. 00-R-1510
8. 00-O-1329	44. 00-R-1498	57. 00-R-1511
9. 00-0-1301	45. 00-R-1499	58. 00-R-1512
10. 00-O-0263	46. 00-R-1500	59. 00-R-1513
11. 00-0-0979	47. 00-R-1501	60. 00-R-1514
12. 00-O-1311	48. 00-R-1502	61. 00-R-1515
13. 00-O-1418 14. 00-O-1566	49. 00-R-1503	62. 00-R-1516 63. 00-R-1517
15. 00-O-1417		64. 00-R-1518
16. 00-O-1114		65. 00-R-1519
17. 00-O-1561		66. 00-R-1519
18. 00-R-1486		67. 00-R-1521
19. 00-R-1490		68. 00-R-1522
20. 00-R-1524		69. 00-R-1523
21. 00-R-1525		
22. 00-R-1572		
23. 00-R-1483		
<b>24</b> . 00-R-1484		
25. 00-R-1552		
26. 00-R-1310		
27. 00-R-1466		
28. 00-R-1467		
29. 00-R-1469		
30. 00-R-1563		
31. 00-R-1549		
32. 00-R-0977		
33. 00-R-1297		
34. 00-R-1495		
35. 00-R-1461		
36. 00-R-1464		